

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

In the Matter of the Rule-Making
Proceeding Related To

Commission General – Tariffs:
Chapter 480-80 WAC

DOCKET NO. U-991301

**Public Counsel
Attorney General of Washington**

April 25, 2001

Public Counsel files these comments in response to the Commission's April 5, 2001 Notice of Opportunity to File Written Comments. We look forward to further participation in this rulemaking and to attending the April 30, 2001 workshop.

General Comments

Public Counsel strongly supports enhanced customer notification by the companies regulated by the Commission. Whether it is in the area of energy general rate cases, public hearings, or potential changes in the prices, terms, and conditions of a competitively classified telecommunications service, the methods used to provide notice to customers need to be enhanced to better inform customers of their rights and obligations. Public Counsel supports the efforts made by the Commission Staff as part of this rulemaking to enhance and refine the customer notice provisions for the different industry groups. In these comments we provide feedback on Staff's most recent drafts, issued April 5, 2001, of the following rules:

WAC 480-090-193 Customer notice requirements (natural gas)

WAC 480-100-193 Customer notice requirements (electric)

WAC 480-120-043 Customer notice requirements (non-competitive telecommunications)

WAC 480-120-X15 Customer notice requirements—competitively classified telecommunications companies or services

WAC 180-121-X04 Customer notice requirements—petition for competitive classification of a service

480-090-193 (Gas)

Customer notice before commission action. Commission Staff’s most recent draft included two different alternatives of this rule. Section (1) of “Alternative 1” includes general guidance as to when customer notice is to be provided prior to Commission action. Section (1) of “Alternative 1” does not specify a minimum time at which customers must receive such notice (e.g. thirty days prior to the effective date). This alternative also includes a provision that, “when the commission believes it does not have sufficient information from customers to determine whether a tariff filing is fair, just, reasonable and sufficient, the commission will suspend the filing to permit appropriate customer notice and opportunity for comment.” Section (2).

Staff’s proposed “Alternative 2” of this rule requires that, for specific types of tariff revisions, a utility must provide each affected customer with notice, at least twenty-one (21) days prior to the requested effective date.

With respect to the two alternatives discussed above, Public Counsel prefers “Alternative 2” because it sets forth a specific time at which customer should receive notice prior to Commission action. We recognize that the second alternative of the rule provides that the Commission may suspend a filing as a result of inadequate customer notice. However, in our view, providing a specific time period by which customers must receive notice is the best means of ensuring that customers have ample opportunity to learn about the tariff filing before Commission action. In our previously filed comments, Public Counsel recommended that customer notice prior to a Commission action should be no less than thirty (30) days prior to the

effective date the company proposes for that action. We continue to support the idea that customers should receive notice thirty (30) days prior to the requested effective date.

Formal hearing notice. Each of the two alternatives of this rule includes a provision for customer notice for formal hearings (Section 5 of “Alternative 1” and Section 4 of “Alternative 2”). Public Counsel recommends a slight revision to subsection (a)(i) that the phrase “If applicable” should be changed to “If Public Counsel is participating in the case.”

480-100-193 (Electric)

Customer notice before commission action. Commission Staff’s most recent draft included two different alternatives of this rule. Section (1) of “Alternative 1” includes general guidance as to when customer notice is to be provided prior to Commission action. Section (1) of “Alternative 1” does not specify a minimum time at which customers must receive such notice (e.g. thirty days prior to the effective date). This alternative also includes a provision that, “when the commission believes it does not have sufficient information from customers to determine whether a tariff filing is fair, just, reasonable and sufficient, the commission will suspend the filing to permit appropriate customer notice and opportunity for comment.” Section (2).

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effective date the company proposes for that action. We continue to support the idea that customers should receive notice thirty (30) days prior to the requested effective date.

Formal hearing notice. Each of the two alternatives of this rule includes a provision for customer notice for formal hearings (Section 4 of “Alternative 1” and Section 3 of “Alternative 2”). Public Counsel recommends a slight revision to subsection (a)(i) that the phrase "If applicable should be changed to "If Public Counsel is participating in the case."

480-120-043 (non-competitive telecom)

Customer notice before commission action. Commission Staff’s most recent draft included two different alternatives of this rule. Section (1) of “Alternative 1” includes general guidance as to when customer notice is to be provided prior to Commission action. Section (1) of “Alternative 1” does not specify a minimum time at which customers must receive such notice (e.g. thirty days prior to the effective date). This alternative also includes a provision that, “when the commission believes it does not have sufficient information from customers to determine whether a tariff filing is fair, just, reasonable and sufficient, the commission will suspend the filing to permit appropriate customer notice and opportunity for comment.” Section (2).

Staff’s proposed “Alternative 2” of this rule requires that, for specific types of tariff revisions, a utility must provide each affected customer with notice, at least twenty-one (21) days prior to the requested effective date.

With respect to the two alternatives discussed above, Public Counsel prefers “Alternative 2” because it sets forth a specific time at which customer should receive notice prior to Commission action. In our previously filed comments, Public Counsel recommended that customer notice prior to a Commission action should be no less than thirty (30) days prior to the

effective date the company proposes for that action. We continue to support the idea that customers should receive notice thirty (30) days prior to the requested effective date.

Formal hearing notice. Each of the two alternatives of this rule includes a provision for customer notice for formal hearings (Section 4 of “Alternative 1” and Section 3 of “Alternative 2”). Public Counsel recommends a slight revision to subsection (a)(i). We recommend striking "If applicable" and "will represent" so the sentence will read "A statement that the Attorney General's Public Counsel Division represents residential and small business customers..."

480-120-X15 (competitive telecom)

Public Counsel continues to support no less than ten days direct notice to affected customers prior to the effective date of any proposed changes, not just for price increases.

Public Counsel believes that notice of the prices, terms, and conditions for competitively classified telecommunications services should be provided in a manner that allows a meaningful comparison by consumers of competing offers for such services. Similarly, when a company is providing notice to its customers for changes this notice should also permit a consumer to make a well-informed decision regarding whether to continue with the service from that company or select a competing service provider.

480-121-X04 (Competitive Classification Petition)

Public Counsel continues to believe that customer notice prior to a Commission action should be no less than 30 days prior to the requested effective date, and we support Staff's current draft of this rule.

Conclusion

Public Counsel respectfully submits these comments for consideration in this rulemaking docket. We look forward to participating in the April 30, 2001 workshop on the customer notice rules, and will provide additional comments during that workshop.